



Paper 26

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In re Application of
Jennifer D. Tousignant et al.
Application No. 09/335,689
Filed: June 18, 1999
Attorney Docket Number: 6969.0028

OFFICE OF PETITIONS

**DECISION GRANTING PETITION
UNDER 37 CFR 1.182**

This is a decision on the petition filed March 17, 2004, under 37 CFR 1.182, requesting entry of an amendment to the specification to insert a reference to an earlier-filed application pursuant to the provisions of 35 U.S.C. § 119(e).

The petition is **GRANTED**.

The above-noted abandoned application failed to make a specific reference the prior-filed application, namely 60/089,879, filed June 19, 1998, prior to the abandonment of the instant application. Petitioner now requests that the abandoned application be amended by inserting a reference to the earlier-filed application. The instant petition is accompanied by an amendment to include a reference to the prior-filed application in the first line of the specification following the title of the invention.

35 U.S.C. § 120 permits entry of a subsequent amendment to an abandoned application in applications filed prior to November 29, 2000 to include the benefit of an earlier filing date for purposes other than prosecution. See Sampson v. Commissioner of Patents and Trademarks, 195 USPQ 136 (DC DC 1976).

In view thereof, the request for entry of an amendment to insert a reference to the above-noted earlier filed application is granted.

The amendment has been entered. A corrected filing receipt which includes the reference to the prior-filed application accompanies this decision on petition.

The application is being forwarded to Technology Center 1635 for entry of the amendment filed March 17, 2004. Afterwards, the application will be returned to Files Repository.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at 703-305-4497.

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ATTACHMENT: Corrected Filing Receipt